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Assistant Commissioner for Patents
Washington, D. C. 20231

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CERTIFICATE OF EXPRESS MAILING

Assistant Commissioner for Patents
Washington, D. C. 20231 OFFICE OF PETITIONS

Sir: I hereby certify that this complete response/document regarding U.S. Patent Application 09/715,532 is being deposited with the U.S. Postal Service as EXPRESS mail number EK763983551US, Post Office to Addressee, with sufficient postage pre-paid in an envelope addressed to: Assistant Commissioner for Patents, Washington, D. C. 20231, OFFICE OF PETITIONS

on this date: 1-9-03

Signature: 

Brad A. Armstrong

PETITION UNDER TITLE 37 SEC. 1.182

Re: Patent Application of Brad A. Armstrong
Applicant's Docket No. 30

Serial No.: 09/715,532 Filed: 11/16/2000

Title: 3D CONTROLLER WITH VIBRATION

Applicant's mailing address: Brad A. Armstrong
P.O. Box 1419
Paradise, CA 95967

Examiner: MOYER, MICHAEL, J.
Group Art Unit: 2675

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PETITION FOR WITHDRAWAL OF A RECORDED TERMINAL DISCLAIMER

I, Brad A. Armstrong the Inventor and Applicant in U.S. Patent Application 09/715,532, do hereby petition for and request that the Terminal Disclaimer submitted and entered Aug. 8, 2001 regarding the instant Application be withdrawn and revoked.

The Aug. 8, 2001 Terminal Disclaimer was for disclaiming any portion of any patent granted on the instant Application which would extend beyond the expiration date of U.S. Patent 6,222,525, but the Terminal Disclaimer is not needed. The Terminal Disclaimer was volunteered by Applicant for the original claimed

subject matter in an effort by Applicant to expedite the advancement of the instant Application toward issuance. That original claim subject matter was later canceled.

The Application has received a Notice of Allowance and Issue Fee Due notice, however, the Issue Fee has not been paid at this time.

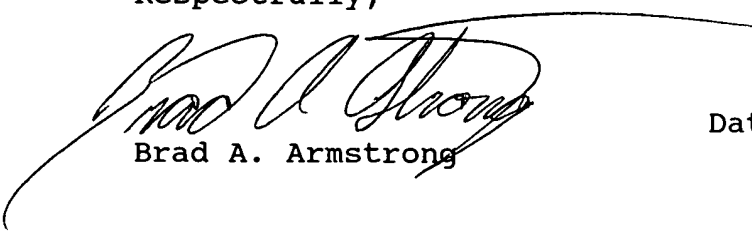
Included with the Notice of Allowance and Issue Fee Due notice was a "Detailed Action" and statement of "Allowable Subject Matter" from the Examiner. On page 7 of the Detailed Action, a copy of the page 7 attached hereto, the Examiner addresses the Terminal Disclaimer filed and entered on 8 August 2001 and states "After further reviewing the case, the examiner believes that a terminal disclaimer is not needed".

A fee payment of \$130.00 per 37 CFR 1.17(h) is attached.

It appears that everything is in order to allow the requested withdrawal of the recorded Terminal Disclaimer so that the Patent to issue from the instant application issues without an associated terminal Disclaimer.

Thank you for your assistance with this important matter and please contact me if you have any questions.

Respectfully,



Brad A. Armstrong

Date:

1-9-03

Application/Control Number: 09/715,552
Art Unit: 2675



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Conclusion

2. In the process of examining this case, The examiner noticed that a terminal disclaimer was filed and entered on 8 August 2001 for the original claimed subject matter. The applicant filed a pre-amendment B on 15 July 2002, amending the claimed subject matter so that the terminal disclaimer did not read on those claims. The applicant requested that the terminal disclaimer be removed. However, since the terminal disclaimer had already been entered, the applicant did not provide the correct procedure to have the terminal disclaimer removed. The applicant was notified by Patent Office and the examiner that if he wanted to have the terminal disclaimer removed he would have to file a petition. The applicant wanted to wait until after an action had been made to decide what he was going to do. After further reviewing the case, the examiner believes that a terminal disclaimer is not needed, since the claims do not read on any previous patented claimed subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael J. Moyer** whose telephone number is **(703) 305-2099**. The examiner can normally be reached Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Steven Saras**, can be reached at **(703) 305-9720**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: **(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

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